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Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,780

Applicant(s)

MASON, LARRY P.

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,14-21 and 24-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,4-11,14-21 and 24-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 4-11, 14-21, and 24-29 are presented for examination.
2. Claims 2-3, 12-13, 22-23 and 30 are cancelled without prejudice.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 4-11, 14-21, and 24-29 have been considered but are moot in view of the new ground(s) of rejection.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reason to incorporate a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags; and the web page processing engine further operable to communicate with the first output and the custom content generation tags to the web server of Britton into Claussen system because it would conventionally employed in the art to provide an efficient communications system that can modify and format web page content for various types of pervasive computing devices (see Britton col. 3, lines 7-27).

5. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

6. Applicant argues that Claussen and Britton combination does not teach or suggest the use of one engine to transform standard content generation tags and a second engine to transform custom content generation tags. In response to applicant's argument, examiner submits that Claussen teach a transformation engine uses to translate/convert custom content generation tags (abstract, col. 3 lines 30-42, col. 10 lines 34-col. 13, line 4) and Britton in combination with Claussen teach content tailoring system converts a standard content generation tags (col. 6, line 7-col. 7, line 62). Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of Britton into the system of Claussen to have a web page processing operable to transform the standard content generation tags because it would provide an efficient communications system that can modify and format web page content for various types of pervasive computing devices (see Britton col. 3, lines 7-27).

7. Applicant argues Claussen does not teach a web page processing engine operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags; and the web page processing engine further operable to communicate with the first output and the custom content generation tags to the web server. In response to applicant's argument, examiner asserts that since applicant's amendment by amending claims and deleting limitation in the claims, hence it is necessitated the new ground(s) of rejection presented in this Office action.

8. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 11, 21 and 29. Claims 4-11, 14-21, and 24-28 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in this office action [see rejection below].

9. Applicants still have failed to identify specific claim limitations that would define a patentable distinction over cited prior arts. Accordingly, rejections for claims 1, 4-11, 14-21, and 24-29 are rejected as below.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

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matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 4-11, 14-21, and 24-29 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Claussen et al.**, (hereinafter Claussen) U.S. Patent No. **6,675,354**, in view of **Britton et al.**, (hereinafter Britton) U.S. Patent No. **6,535,896**.

12. As to claim 1, **Claussen** teaches the invention as claimed, including a system for transforming custom content generation tags, comprising:

a web server operable to receive a request from a web browser, the request identifying a file comprising one or more standard content generation tags and one or more custom content generation tags both of which the web browser is unable to interpret (abstract, figures 1, 2, col. 2, line 2-65, col. 3, lines 30-43, col. 5, lines 1-col. 6, line 6);

a web page processing engine operable to receive the standard content generation tags and the custom content generation tags (col. 5, line 1-col. 6, line 33);

a transformation engine operable to receive the custom content generation tags, transform the custom content generation tags into second output that the web browser is able to interpret, and communicate the second output to the web server (abstract, col. 3 lines 30-42, col. 10 lines 34-col. 13, line 4); and

the web server further operable to receive the second output and to communicate the first and the second output to the web browser in response to the request (col. 5 lines 25-45, col. 10, line 34-col. 13, line 4).

However, **Claussen** teaches a web page processing engine transforms the standard content generation tags into a format that the web browser is able to interpret (col. 5, lines 3-45). However, **Claussen** does not explicitly teach a web page processing engine operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags; and the web page processing engine further operable to communicate with the first output and the custom content generation tags to the web server. **Britton** teaches a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags (figure 1, col. 6, line 7, col. 7, line 35); and the web page processing engine further operable to communicate with the first output and the custom content generation tags to the web server (col. 7, lines 36-62). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Claussen and Britton** to have a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags; and the web page processing engine further operable to communicate with the first output and the custom content generation

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tags to the web server because it would provide an efficient communications system that can modify and format web page content for various types of pervasive computing devices (see Britton col. 3, lines 7-27).

13. As to claim 4, **Britton** teaches the invention as claimed, wherein the web server is operable to communicate the first output to the transformation engine with the custom content generation tags; and the transformation engine is operable to communicate the first output back to the web server with the second output (abstract, col. 6 lines 7-col. 7 lines 62). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Claussen and Britton** to have the same motivation as set forth in claim 1, supra.

14. As to claim 5, **Claussen** teaches the invention as claimed, wherein the requested file comprises a JAVASERVER PAGE (JSP) file; the standard content generation tags comprise JSP standard tags; the custom content generation tags comprise JSP custom tags (col. 5 lines 48-col. 6 lines 32); however, **Claussen** does not explicitly teach web page processing engine comprises a JSP engine unable to process the JSP custom tags. **Britton** teaches web page processing engine comprises a JSP engine unable to process the JSP custom tags (abstract, col. 6 lines 7-col. 7 lines 62). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Claussen and Britton** to have the same motivation as set forth in claim 1, supra.

15. As to claim 6, **Claussen** teaches the invention as claimed, wherein the first and second output comprises code selected from the group consisting of HyperText Markup Language (HTML) code, Extensible Markup Language (XML) code, and Wireless Markup Language (WML) code (col. 1 lines 38-col. 2 lines 21).

16. As to claim 7, **Britton** teaches the invention as claimed, wherein the web page processing engine is operable to attach a header to the unprocessed custom content generation tags, the header indicating the presence of the unprocessed custom content generation tags; and the web server is operable to communicate the unprocessed custom content generation tags to the transformation engine in response to the header (abstract, figure 1, col. 6 lines 7-col. 7 lines 62). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Claussen and Britton** to have the same motivation as set forth in claim 1, supra.

17. As to claim 8, **Claussen** teaches the invention as claimed, wherein the transformation engine comprises an Extensible Stylesheet Language Transformation (XSLT) engine, the XSLT engine operable to transform the custom content generation tags using an Extensible Stylesheet Language (XSL) stylesheet (figure 1, col. 2 lines 2-21, col. 3 lines 30-42, col. 10 lines 35-44).

18. As to claim 9, **Claussen** teaches the invention as claimed wherein the XSL stylesheet comprises one or more templates corresponding to each custom content generation tag, the templates comprising HTML code to replace the corresponding custom content generation tag (abstract).

19. As to claim 10, **Claussen** teaches the invention as claimed, wherein one or more of the templates comprise code operable to generate HTML code to replace the corresponding custom content generation tag (abstract, col. 10 lines 35-42).

20. As to claim 11, **Claussen** teaches the invention as claimed, including method for transforming custom content generation tags, comprising:

receiving a request from a web browser for a file comprising one or more standard content generation tags and one or more custom content generation tags, both of which the web browser is unable to interpret (abstract, figures 1, 2, col. 2 lines 2-65, col. 3 lines 30-43, col. lines 1-col. 6 lines 6);

transforming the custom content generation tags using a transformation engine into second output that the web browser is able to interpret (abstract, col. 3 lines 30-42, col. 10 lines 34-42); and

communicating the first and second output to the web browser in response to the request (col. 5 lines 25-45, col. 10, line 34-col. 13, line 4).

However, **Claussen** teaches a web page processing engine transforms the standard content generation tags into a format that the web browser is able to interpret

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(col. 5, lines 3-45). However, **Claussen** does not explicitly teach processing the file using a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags. **Britton** teaches processing the file using a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags (figure 1, col. 6, line 7, col. 7, line 35). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Claussen and Britton** to have processing the file using a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags because it would provide an efficient communications system that can modify and format web page content for various types of pervasive computing devices (col. 3, lines 7-27).

21. As to claim 21, **Claussen** teaches the invention as claimed, including custom tag transformation software embodied in a computer-readable medium and operable to:

receive a request from a web browser for a file comprising one or more standard content generation tags and one or more custom content generation tags, both of which

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the web browser is unable to interpret (abstract, figures 1, 2, col. 2 lines 2-65, col. 3 lines 30-43, col. lines 1-col. 6 lines 6);

transform the custom content generation tags into second output that the web browser is able to interpret (abstract, col. 3 lines 30-42, col. 10 lines 34-42); and

communicate the first and second output to the web browser in response to the request (col. 5 lines 25-45).

However, **Claussen** teaches a web page processing engine transforms the standard content generation tags into a format that the web browser is able to interpret (col. 5, lines 3-45). However, **Claussen** does not explicitly teach processing the file using a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags. **Britton** teaches processing the file using a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags (figure 1, col. 6, line 7, col. 7, line 35). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Claussen and Britton** to have processing the file using a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags because it would provide an efficient

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communications system that can modify and format web page content for various types of pervasive computing devices (col. 3, lines 7-27).

22. As to claim 29, **Claussen** teaches the invention as claimed, including a system for transforming custom content generation tags, comprising:

means for receiving a request from a web browser for a file comprising one or more standard content generation tags and one or more custom content generation tags that the web browser is unable to interpret (abstract, figures 1, 2, col. 2 lines 2-65, col. 3 lines 30-43, col. lines 1-col. 6 lines 6);

means for transforming the custom content generation tags into second output that the web browser is able to interpret (abstract, col. 3 lines 30-42, col. 10 lines 34-42); and

means for communicating the first and second output to the web browser in response to the request (col. 5 lines 25-45).

However, **Claussen** teaches a web page processing engine transforms the standard content generation tags into a format that the web browser is able to interpret (col. 5, lines 3-45). However, **Claussen** does not explicitly teach means for processing the file by transforming the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags. **Britton** teaches means for processing the file by transforming the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the

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custom content generation tags (figure 1, col. 6, line 7, col. 7, line 35). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Claussen and Britton** to have means for processing the file by transforming the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags because it would provide an efficient communications system that can modify and format web page content for various types of pervasive computing devices (col. 3, lines 7-27).

23. As to claim 14-17, and 24-25 they are system claims directed to transform custom content generation tags of method claims 4-7. Claims 14-17, and 24-25 have similar limitations to claims 4-7; therefore, they are rejected under the same rationale.

24. As to claim 18-20, and 26-28, they are system claims directed to transform custom content generation tags of method claims 8-10. Claims 18-20, and 26-28 have similar limitations to claims 8-10; therefore, they are rejected under the same rationale.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached at (571) 272-4001.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thu Ha Nguyen

June 6, 2005


BHARAT BAROT
PRIMARY EXAMINER